

**City of Farmers Branch**

Farmers Branch City Hall
13000 Wm Dodson Pkwy
Farmers Branch, Texas
75234

Meeting Minutes**City Council**

Tuesday, April 4, 2017

5:00 PM

Council Chambers

Study Session Meeting to be held at 3:00 PM in the Study Session Room

- Presiding:** 1 - Mayor Bob Phelps
- Present:** 5 - Mayor Pro Tem Harold Froehlich, Deputy Mayor Pro Tem Ana Reyes, Council Member John Norwood, Council Member Terry Lynne, Council Member Mike Bomgardner
- Staff:** - Charles Cox City Manager, John Land Deputy City Manager, Amy Piukana City Secretary, Braeden Metcalf City Attorney, Tom Bryson Communications Director, David Hale Police Chief, Dean Habel Deputy Police Chief, Andy Gillies Community Services Director, John Roach Interim Public Works Director, Steve Parker Fire Chief, Brian Beasley Human Resources Director, Sherrelle Evans-Jones Finance Director, Allison Cook Economic Development Director

A. STUDY SESSION

Mayor Phelps called the Study Session meeting to order at 3:00 p.m.

A.1 17-429**Discuss regular City Council meeting agenda items.**

Council Member Bomgardner asked for clarification regarding Agenda Item H.2, (Oncor). Interim Public Works Director John Roach explained the request is for the City to approve a rate increase of 11.8%. Mr. Roach stated the last rate increase was in 2011.

Deputy Mayor Pro Tem Reyes asked if Agenda Item J.4, could be moved to consent. After discussion, Council unanimously agreed to move Agenda Item J.4, to Consent. Council Member Bomgardner asked for discussion regarding Agenda Item J.3. Council Member Bomgardner asked when the hotel was last remodeled. Economic Development Director Allison Cook replied to her knowledge, no interior remodeling has been done since original construction.

A.2 17-437 Receive First-Year Report regarding North Texas Emergency Communications Center (NTECC).

City Manager Charles Cox introduced NTECC Executive Director Terry Goswick. Mr. Goswick provided a presentation on the benefits of NTECC. Mr. Goswick stated the program has State of the Art Technology including Vesta 9-1-1, which allows texting, increased mutual aid with interagency responses, and long term cost reductions. He further stated NTECC provides emergency medical technical assistance by phone. Mr. Goswick reviewed the total number of call center responses from April of 2016 to March of 2017, which totaled 411,339. He explained the Call Center has met the NFPA standard at 95% of 9-1-1 calls within 20 seconds and 99% of 9-1-1 calls are answered within 40 seconds. Mr. Goswick reviewed the Police and Fire average calls for March of 2017.

City Council discussed crime rates, number of Farmers Branch calls and response time compared to neighboring cities.

Mr. Goswick stated his future goals are to decrease vacant positions, continued improvement to the Police and Fire Department call processing times, and continued improvement to call answering times.

A.3 17-432 Receive a report on Public Safety mid-year compensation study and retirement.

Police Chief David Hale briefed City Council regarding this item. Chief Hale explained the City has twelve Police vacancies and reviewed the recruiting strategy. He explained the City participates in job fairs, military base recruiting, and recently implemented a \$2500 dollar hiring bonus.

Human Resources Director Brian Beasley briefed City Council reviewing a PowerPoint presentation showing the updated market rates with comparator cities. Mr. Beasley explained a market study is done every five years. Mr. Beasley reviewed the TMRS 25 year retirement cost verses a 20-year TMRS retirement. He stated the City would incur an annual budget impact of \$356,000 and unfunded liabilities would increase if the retirement was reduced to 20 years.

Council had discussion regarding the unfunded liability, the amount of turnover in the Police Department, and the number of cities that have 20-year retirement. Police Chief David Hale explained out of the twelve Police Officers that have resigned, only one left to go to another agency.

Deputy Mayor Pro Tem Reyes asked to review this item again, noting the majority of the neighboring cities offer a 20-year retirement benefit to employees.

Fire Chief Steve Parker reviewed Fire staffing levels explaining currently, the Fire Department is fully staffed. He stated the Fire Department's average years of service is 29.25 years. He further stated two firefighters have over 30 years of service with one firefighter at 25 years.

City Council discussed disability options for injured Fire and Policemen. Mr. Beasley explained the City has long-term disability and medical disability through TMRS.

Mr. Cox stated this item would be a topic at the upcoming Strategic Plan meeting in June.

A.4 17-433 Receive a report on Texas Legislative Updates.

City Manager Charles Cox briefed City Council regarding Texas Legislative Updates. Mr. Cox reviewed the following information:

- ▶ SB 2 (Bettencourt) passed to House
- ▶ Effective Tax Rate now called "No New Taxes Rate"
- ▶ 5% roll-back rate
- ▶ Exceeding Requires Voter Ratification on November Uniform Election Date
- ▶ New Construction – No impact

Numerous bills introduced to eliminate red-light cameras

- ▶ HB 1244 (Geren) Heard in Committee

SB 629 (Schwertner) passed to House – Eliminates interest rollback for ag-exempt property conversions

- ▶ \$435,000 loss to Farmers Branch
- ▶ No Opposition Currently
- ▶ Supporters: Texas and Southwestern Cattle Raisers, Texas Assn of Builders, Texas Crushed Stone

HB 1557 (Parker) & SB 737 (Hancock) – Requires Email Notification of Fee Increases – Heard in Committee

HB 2958 (Thompson, Ed) – Temporary landfill permit moratorium

- ▶ Effective September 1, 2017 until September 1, 2019
- ▶ Public Hearing Scheduled April 4th

SB 1408 (Huffines) – First Responder handgun right-to-carry

Numerous local government "anti-lobbying" bills filed

Numerous "Uber" & "Airbnb" bills filed

- ▶ Pre-empts local transportation and housing rental restrictions. DART/Dallas Police & Fire Pension Fund Offset (nothing filed yet)

A.5 17-435 Discuss City Council liaison appointments for the Audit Review Committee.

City Manager Charles Cox explained every year the City goes out for bid obtain an external auditor. Mr. Cox explained the auditor reports to City Council. He stated, in the past, the Council has designated two or three Council Members to interview firms and assist with the selection. Council Member Bomgardner and Mayor Phelps agreed to serve on the Audit Review Committee.

A.6 17-430 Discuss agenda items for future City Council meetings.

Deputy Mayor Pro Tem Reyes asked for a future agenda item to discuss paint color spectrums used on residential and commercial structures. Council Member Norwood requested a future agenda item to review transitional housing to be located near Farmers Branch. Council Member Bomgardner asked for statistics from other areas who have had transitional housing conversions and what impacts it had on schools and surrounding areas.

City Council recessed for a break at 4:54 p.m.

City Council convened into closed executive session at 5:14 p.m.

B. EXECUTIVE SESSION

- B.1 17-431** Council may convene into a closed executive session pursuant to Section 551.072 of the Texas Government Code to deliberate regarding:
(a) Discuss the purchase, exchange, lease, or sale of real property located west of Webb Chapel, north of 635, east of I-35, south of Valwood, Farmers Branch, Texas.

City Council recessed at 5:59 p.m. from executive session.

C. RECONVENE INTO REGULAR MEETING AT 6 P.M.

Mayor Phelps called the regular meeting to order at 6 p.m.

D. INVOCATION & PLEDGE OF ALLEGIANCE

Council Member Bomgardner provided the invocation and led the pledge of allegiance and pledge to the Texas flag.

E. REPORT ON STUDY SESSION ITEMS

Council Member Norwood provided a report summary on study session items.

F. CITY MANAGER'S REPORT AND ITEMS OF COMMUNITY INTEREST

City Manager Charles Cox provided the following announcements:

- Everyone should remember that the first of two shredding events to be held this year has been scheduled for this Saturday, April 8, from 9 a.m. until 12 noon here at City Hall. Residents can shred whatever household documents they wish to bring up to the shredding truck onsite. Call 972.919.2597.
- It was a great opening weekend for the Farmers Branch Market. The Market is now open every Saturday from 9 a.m. til 1 p.m. Live music will be featured this weekend in addition to the eclectic selection of vendors. Find out more at farmersbranchmarket.com.
- One of our most popular local events is coming up this month. Date Night in the Park will be held Saturday, April 22 at the Farmers Branch Historical Park with food trucks, live music from 'Prophets & Outlaws' and an outdoor movie, featuring the 2016 hit 'Passengers.' Admission is free. Special packages are available. Find out more at fbsspecialevents.com.
- Also on Saturday, April 22, the Farmers Branch Police Department will host an open house at the Justice Center from 11 a.m. to 3 p.m. There will be tours, demonstrations and free food. Call 972.919.9135 for more information.
- Please note that most City offices and facilities will be closed on Friday, April 14 in observance of Good Friday. However, **THERE WILL BE GARBAGE COLLECTION** that day, but the Citizen Collection Center will be closed. Additionally, the Community Recreation Center and Margaret Young Natatorium will both be open from 6 a.m. to 5 p.m.

and the Historical Park will be open from 8 until 5. ALL facilities will be closed on Easter Sunday, April 16.

- There is still time to take part in the Resident Satisfaction Survey, available online now through April 21. Go to farmersbranchtx.gov/survey to find out more.
- Anyone interested in serving the City, we do have a number of openings on the Charter Review Committee. For more information on that or for questions about service on any other City board or commission, call the City Secretary's office at 972.919.2503.
- You can sign up for eNews at farmersbranchtx.gov to have current City news and information delivered directly to your eMail box.

G. CITIZEN COMMENTS

The following citizens wished to speak:

- Former City Council Member Kirk Connally read an excerpt from Dr. Gilbert's historical diary.
- Resident Vickie Harrison spoke regarding her concerns with sexual harassment recommending training for Elected Officials.

H. CONSENT AGENDA

- H.1 17-423 Consider approving minutes of the Special Called City Council meeting held on March 14, 2017 and Regular City Council meeting held March 21, 2017; and take appropriate action.**
- H.2 R2017-054 Consider approving Resolution No. 2017-054 suspending the April 21, 2017 effective date of Oncor Electric Delivery Company's proposed rate change to allow the City an opportunity to review the request; and take appropriate action.**
- J.4 R2017-055 Consider approving Resolution No. 2017-055 authorizing execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 3333 Pebble Beach; and take appropriate action.**

Motion made by Council Member Lynne to approve Consent Items H.1 and H.2, as presented. Deputy Mayor Pro Tem Reyes asked that Agenda Item J.4, be added to the consent agenda. Council Member Lynne amended his main motion, to approve Agenda Items H.1, H.2, and J.4, as presented. Motion seconded by Deputy Mayor Pro Tem Reyes. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

I. PUBLIC HEARINGS

I.1 TMP-2122 **Conduct a Public Hearing and consider a request for replat approval of Qorvo Addition, Lots 1 and 2, Block A; and take appropriate action.**

Community Services Director Andy Gillies briefed City Council. Mr. Gillies explained Qorvo Texas, LLC is the owner of a 24.692 acre tract of land known as Lot 1, Block A, Maxim Addition, formerly part of the Dallas Semiconductor business complex. He stated the owners desire to re-plat the property into two lots (Lots 1 and 2, Block A, Qorvo Addition). The present lot will be split east and west of the existing public access easement, Maxim Drive. He further stated the re-plat will include changing the name of Maxim Drive to Qorvo Drive, a private street. Mr. Gillies explained a public hearing is required for this re-plat.

Mayor Phelps opened the public hearing. There were no citizens present that wished to speak. Motion made by Mayor Pro Tem Froehlich to close the public hearing. Motion seconded by Council Member Bomgardner. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

Motion made by Council Member Bomgardner to approve a replat for Lots 1 and 2, Block A of Qorvo Addition. Motion seconded by Mayor Pro Tem Froehlich. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

I.2 TMP-2123 **Conduct a Public Hearing and consider a request for replat approval of Mercer Business Park East No. 3, Lot 1C, Block A/6576 located within the city limits of both Dallas and Farmers Branch; and take appropriate action.**

Mayor Phelps conducted a public hearing. There were no citizens that wished to speak. Motion made by Mayor Pro Tem Froehlich to close the public hearing. Motion seconded by Council Member Norwood. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

Motion made by Deputy Mayor Pro Tem Reyes to approve a replat of Mercer Business Park East No. 3, Lot 1C, Block A/6576 located within the city limits of both Dallas and Farmers Branch. Motion seconded by Council Member Lynne. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

J. REGULAR AGENDA ITEMS

J.1 17-436 Receive a presentation from resident Carol Dingman regarding the Council Code of Ethics policy and training.

Resident Carol Dingman briefed City Council regarding the Code of Ethics policy, urging City Council to strengthen Ordinance No. 3349, and add additional policy and training requirements on sexual harassment.

Mr. Cox explained the Code of Ethics policy has recently been updated. He thanked Ms. Dingman for her presentation, and noted he will take these recommendations under advisement and review.

J.2 17-434 Receive a report from Greg Roemer, President, of Community Waste Disposal regarding the first year's residential garbage and recycling contract.

Mr. Robert Medigovich provided a report on the City's Community Waste Disposal program. He reviewed some of CWD accomplishments, which included delivery of new recycling carts, educational brochures to approximately 8,000 homes in Farmers Branch. Mr. Medigovich reviewed the City's trash collection services.

J.3 R2017-048 Consider approving Resolution No. 2017-048 authorizing a Commercial Facade Revitalization Grant Agreement 2275 Valley View Lane; and take appropriate action.

Economic Development Director Allison Cook briefed City Council regarding this item. Ms. Cook explained the applicant, Suncrest Corp DBA Econolodge, is working with Gardner Construction, and would like to propose the following updates to the hotel property located at 2275 Valley View Lane valued at \$257,800. Ms. Cook explained the applicant's requesting \$26,000.00 for the following:

- Removal of the current stucco adding stone to the front walls of the 5 staircases, the outside of the pool house and along to the south and east ends of the building.
- Removal and replacement of the metal flashing/fascia between floors 1, 2 and 3,4.
- Repainting the entire building. This includes painting of all brick, metal, and doors.
- Replacement of the green astro turf on the 2nd and 3rd floor walkways with permanent limestone surface.

Motion made by Council Member Norwood to approve Resolution No. 2017-048, as presented. Motion seconded by Council Member Lynne. Motion approved by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

K. TAKE ANY ACTION NECESSARY AS A RESULT OF THE CLOSED SESSION

As a result of executive session, motion made by Council Member Lynne move that the City Manager be authorized to negotiate and sign contracts and such other documents that are reasonable and necessary to sell to the Farmers Branch Local Government Corporation Lot 4, Block A, The Shops at Branch Crossing, City of Farmers Branch, Texas, for a purchase and sales price of not less than \$5.00 per square foot, subject to a requirement that the property be resold to LCP Development Company, LLC and/or assigns subject to a restriction agreement requiring construction of a medical office building of not less than 5000 square feet of air conditioned space on a portion of said property and not less than 5000 square feet of retail/restaurant space on the remainder of the property, of which not less than 2000 square feet shall be developed with a restaurant use. Motion seconded by Mayor Pro Tem Froehlich. Motion approved by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

Motion made by Council Member Norwood that the City Manager be authorized to negotiate and sign the following agreements: (1) A contract and such other documents that are reasonable and necessary to sell to the Farmers Branch Local Government Corporation the northern approximately 2.69 acre portion of the City's property located at 13605 Webb Chapel Road, Farmers Branch, Texas, for a sales price of not less than \$705,000 and purchaser's participation in the cost of designing and constructing a new parking area for the Manske Library and a trail on the City's adjacent property, said sale subject to a requirement that the property be resold to Henry S. Miller Company or an affiliated company, and assigns, and subject to a development and restriction agreement requiring the property be developed and used for a single-family detached development with no fewer than 17 single-family dwelling units, 1-2 stories in height, with each unit ranging in assessed value after completion of construction of \$250,000.00 to \$425,000.00, inclusive of both land and improvements and a grant pursuant to Chapter 380 of the Texas Local Government Code in the amount of \$305,000 to be applied to the purchase price of the property at the time of closing; and (2) A ground lease for the remaining portion of said property west of Fire Station #1 with Henry S. Miller Company or an affiliated company, and assigns, for the development, use and maintenance of parking, a public walking trail and pavilion with an initial lease term of 20 years. Motion seconded by Council Member Bomgardner. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

Council Member Bomgardner moved that the City Manager be authorized to take such action on behalf of the City as may be reasonable and necessary to purchase, or authorize the purchase of property described as Lot 16, Block 7, Valwood Park 27th Installment, an addition to the City of Farmers Branch, Texas, known as 13811 Lillard Lane, for a purchase price not to exceed \$113,800 plus standard closing and acquisition costs and to sign, and authorize the City's agent, to sign such other agreements, documents, and any

amendments thereto, as the City Manager, in consultation with the City Attorney, deems reasonable and necessary with respect to the closing of said transaction. Motion seconded by Council Member Norwood. Motion approved by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

L. ADJOURNMENT

Deputy Mayor Pro Tem Reyes recognized the following audience members: former Council Member David Koch, Kirk Connally, Carole Dingman, and former Carrollton City Council Member Andy Olivo who attended.

Mayor Pro Tem Froehlich made a motion to adjourn the meeting at 7:04 p.m. Motion seconded by Council Member Norwood. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

The meeting adjourned at 7:04 p.m.

SIGNED:



Mayor

ATTEST:



City Secretary